

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's response to this Court's show cause order. The Court ordered plaintiff to show cause why defendants Rodney Rangel, Susan Zoenthoefner, Ron Scharer, and Bryan Smith should not be dismissed because he had failed to provide the Court with their service information well after the deadline in Rule 4(m) had passed.

Plaintiff was made aware that these defendants' summons were returned unexecuted around November 16, 2012, yet he made no motion with the Court to request their updated addresses from defendants, nor did he take any other action to effectuate process on these defendants. Plaintiff states that he "is essentially a helpless bystander in the drama where the Clerk of Court seeks a waiver of service for Defendants no longer employed by the State . . ."

This action was filed nearly fourteen months ago. The Court has gone beyond its normal duty to ensure that the many named defendants have been served with process in this

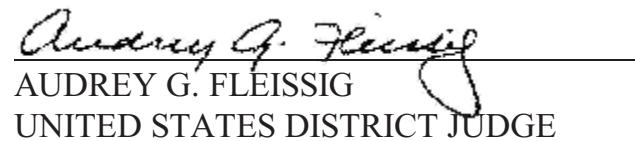
action. Plaintiff cannot sit by, do nothing, and declare himself a helpless bystander while this litigation fails to progress to the discovery stage. As a result, the Court will dismiss defendants Rodney Rangel, Susan Zoenthoefer, Ron Scharer, and Bryan Smith from this action under Rule 4(m) of the Federal Rules of Civil Procedure. This will allow this case to proceed as it should.

Accordingly,

IT IS HEREBY ORDERED that defendants Rodney Rangel, Susan Zoenthoefer, Ron Scharer, and Bryan Smith are **DISMISSED** from this action without prejudice.

An Order of Partial Dismissal will be filed with this Order.

Dated this 18th day of January, 2013.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE